S.B.C.W.Pet.No.3517/04

Date of Order :-23.8.2004.

HON'BLE MR.N.P.GUPTA,J.

Mr.G.R.Punia, for the petitioner.

Heard learned counsel for the petitioner.

Having perused the impugned order and the documents annexed with the writ petition, I do not find any sufficient ground to interfere with the cancellation of Pattas, as made by the impugned order, more particularly, when in the impugned order, the Collector has himself made it clear that if any of the allotees are eligible for allotment, it will be open to the Gram Panchayat to make a fresh allotment in their favour.

The grievance of the petitioner then is, that the Collector had directed that such allotment should be got approved from the Tehsildar , which is wholly without jurisdiction.

True it is , I do not find any such authority in the Panchayat Act, whereunder the resolution of allotment may be required to be confirmed by the Tehsildar but then, in certain circumstances ,there are certain requirements, where the confirmation may be required from some authorities. Be that as it may.

In the totality of the circumstances, this direction is modified in the manner, that allotment need not be got approved from the Tehsildar and may be got approved from the authorities as is required to be approved by the authorities under the Panchayati Raj Act.However, it is directed that in the meetings, when the allotments are made to any of the persons whose Pattas have been cancelled by the impugned order, the Tehsildar shall remain present, who will be free to

take notes, and it will be open to the Tehsildar that if he found any irregularities to have been committed in the grant of Pattas, to initiate appropriate proceedings under the Panchayati Raj Act. The petitioner shall keep the Tehsildar informed of the date and time of the meeting.

The writ petition is accordingly disposed of.

(N.P.GUPTA),J.